

**ASSEMBLY BILL**

**No. 941**

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**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,  
Evans, Jones, Krekorian, Lieu, and Monning)**

February 26, 2009

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An act to amend Section 51 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 941, as introduced, Committee on Judiciary. Civil rights.

The Unruh Civil Rights Act provides that all persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This bill would instead provide that all persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, and services in all business establishments of every kind whatsoever.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 51 of the Civil Code is amended to read:
- 2 51. (a) This section shall be known, and may be cited, as the
- 3 Unruh Civil Rights Act.

1 (b) All persons within the jurisdiction of this state are free and  
2 equal, and no matter what their sex, race, color, religion, ancestry,  
3 national origin, disability, medical condition, marital status, or  
4 sexual orientation are entitled to the full and equal  
5 accommodations, advantages, facilities, privileges, ~~or~~ and services  
6 in all business establishments of every kind whatsoever.

7 (c) This section shall not be construed to confer any right or  
8 privilege on a person that is conditioned or limited by law or that  
9 is applicable alike to persons of every sex, color, race, religion,  
10 ancestry, national origin, disability, medical condition, marital  
11 status, or sexual orientation.

12 (d) Nothing in this section shall be construed to require any  
13 construction, alteration, repair, structural or otherwise, or  
14 modification of any sort whatsoever, beyond that construction,  
15 alteration, repair, or modification that is otherwise required by  
16 other provisions of law, to any new or existing establishment,  
17 facility, building, improvement, or any other structure, nor shall  
18 anything in this section be construed to augment, restrict, or alter  
19 in any way the authority of the State Architect to require  
20 construction, alteration, repair, or modifications that the State  
21 Architect otherwise possesses pursuant to other laws.

22 (e) For purposes of this section:

23 (1) "Disability" means any mental or physical disability as  
24 defined in Sections 12926 and 12926.1 of the Government Code.

25 (2) "Medical condition" has the same meaning as defined in  
26 subdivision (h) of Section 12926 of the Government Code.

27 (3) "Religion" includes all aspects of religious belief,  
28 observance, and practice.

29 (4) "Sex" has the same meaning as defined in subdivision (p)  
30 of Section 12926 of the Government Code.

31 (5) "Sex, race, color, religion, ancestry, national origin,  
32 disability, medical condition, marital status, or sexual orientation"  
33 includes a perception that the person has any particular  
34 characteristic or characteristics within the listed categories or that  
35 the person is associated with a person who has, or is perceived to  
36 have, any particular characteristic or characteristics within the  
37 listed categories.

38 (6) "Sexual orientation" has the same meaning as defined in  
39 subdivision (q) of Section 12926 of the Government Code.

1     (f) A violation of the right of any individual under the Americans  
2     with Disabilities Act of 1990 (Public Law 101-336) shall also  
3     constitute a violation of this section.

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